



HARVARD LAW SCHOOL
CAMBRIDGE • MASSACHUSETTS • 02138

JACK GOLDSMITH
Henry L. Shattuck Professor of Law

May 15, 2007

Lionel Kennedy, Esq.
National Security Division
Department of Justice

Dear Lionel:

Enclosed in hard copy and on a thumb drive are all but chapter 6 of my book. (Chapter 6 is not yet complete. I will submit it when it is complete, but it will not even potentially contain information that would trigger pre-clearance review.)

I am anxious to get this book to the publisher as soon as possible. I look forward to hearing from you within 30 working days about whether you have any concerns about classified information in the enclosed chapters.

Yours sincerely,



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

August 6, 2007

Professor Jack Goldsmith
Harvard University Law School
Cambridge, MA 02138

Dear Professor Goldsmith:

This office has completed its prepublication review of the six chapters and a postscript from your manuscript entitled *The Terror Presidency: Law and Judgment Inside the Bush Administration*. Our review was conducted solely to identify and prevent the disclosure of Sensitive Compartmented Information (SCI) and other classified information to which you may have had prior authorized access. After careful review of the material you submitted, we have determined that these chapters of your manuscript do not contain any classified information. This determination is limited to the exact information submitted; and any changes, other than typographical or grammatical, require a new review prior to publication.

As noted above, our review was limited to classification issues. We did not review the manuscript for any otherwise nonpublic information or any information that may be protected by the attorney-client privilege. We would refer any questions about those issues as they pertain to your manuscript to the Office of Legal Counsel.

Thank you for your patience during the prepublication review process.

Sincerely,

Charles M. Steele
Chief of Staff



U.S. Department of Justice
Office of Intelligence Policy and Review

6/7/07

Washington, D.C. 20530

LIONEL - Re: Goldsmith

- Have heard from NSA (neg)

- PENDING : CIA ✓
OLC
FBI ✓ attached
OPR

- Reached out to FBI today.
Advised Rec-pro unit is waiting
on comments from the
NSLB. Also reached out to
CIA and waiting for call back.
OPR just received doc 6/1 so
I'll give them a few more days.

Kennedy, Lionel

From: Sessoms, GayLa
Sent: Thursday, June 28, 2007 12:20 PM
To: Kennedy, Lionel
Subject: RE: Book schedule

Lionel - NSC (Mary Ronan) is ok once we hear from the CIA but will get back to me. I received a call a few minutes ago from Mr. Horn (DOD). He has been assigned this review and does not expect to get back to us until after the holiday. Also, DOD wants to review all of chapter 6 - so Jack needs to forward it to us asap. Regarding the CIA - I left a voicemail message for (the number you provided referred me to yet another number)!!! I am here only Thursday (7/5) and Friday (7/6) of next week but all of the following week (except Monday AWS).
GayLa

(b)(6)

From: Kennedy, Lionel
Sent: Thursday, June 28, 2007 11:51 AM
To: Steele, Charles (NSD); Sessoms, GayLa
Subject: Book schedule

Charlie and GayLa--

Are you going to be around next week (July 4th week) and the following week? Charlie, if you're going to be gone, will Ken or someone else in the front office be available to sign out letter to Jack Goldsmith re his book?

GayLa--

Is NSC ok with us approving book when we hear from DoD and CIA? Or are they planning to get back to us one way or the other? If they are planning on getting back to us, when will we hear from them and who will be working on this for them next week?

thanks, Lionel

From: Kennedy, Lionel
Sent: Thursday, June 28, 2007 11:44 AM
To: 'Jack Goldsmith'
Cc: Sessoms, GayLa
Subject: RE: Various re Book

Jack--this is where we are with other agencies:

- FBI and other DoJ components did not request changes for classification.
- NSA looked at and did not request changes for classification.
- CIA--GayLa and I are working on getting response. Yes, they've had it since May.
- NSC just asked for a copy. I don't anticipate classification issue there, but not to say that there couldn't be one.
- DoD--you know status.

The non-classification part you are working with OLC.

Lionel

6/28/2007

Kennedy, Lionel

From: Sessoms, GayLa
Sent: Thursday, June 28, 2007 12:20 PM
To: Kennedy, Lionel
Subject: RE: Book schedule

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DOD forwarded to
POC 75

CIA *(b)(6)*

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Lionel

6/28/2007

(b)(6)
CIV WHS/ESD

Rev'd on
SIPRNET

From: Wednesday, June 27, 2007 11:46 AM
Sent: (b)(6)
To: GayLa.Sessoms@nsd.usdoj.sgov.gov
Cc: Goldsmith's Manuscript
Subject:



Goldsmith's
Manuscript.pdf (7 ...)

In further reference to GayLa Sessoms' conversations with Mark Langerman, I have attached the manuscript of Jack Goldsmith, former head of DOJ's Office of Legal Counsel. We have completed our pre-pub review and request your input (particularly Chapter 4 (pages 5, 7, 16) and Chapter 5 (pages 1 and 10). GayLa advised Mark on 5/22/07 that Chapter 6 of the manuscript was forthcoming, and Mark indicated that DOD preferred to review the "final product." Goldsmith advised this office that Chapter 6 concerns his academic career rather than his federal career and provided only one relevant paragraph from chapter 6 today. FYI, The FBI and NSA have cleared the manuscript and we are awaiting the CIA's comments. Please call GayLa on 202-616-5460, if you have any questions or require any additional information. Thanks and have a great day.

07-5-2209
DFOISR

Tiernan, Kevin

From: Kennedy, Lionel
Sent: Friday, July 27, 2007 4:20 PM
To: 'Leary, William H.' (b)(6)
Cc: Tiernan, Kevin; (b)(6) Sessoms, GayLa
Subject: RE: Pre-Publication Review of Goldsmith Manuscript

William-- thanks for reviewing the manuscript. Lionel

From: Leary, William H. [mailto: (b)(6)]
Sent: Friday, July 27, 2007 3:56 PM
To: Kennedy, Lionel: (b)(6)
Cc: (b)(6) Ronan, Mary I.
Subject: Pre-Publication Review of Goldsmith Manuscript

We have completed our classification review of Jack Goldsmith's manuscript, The Terror Presidency, and we pose no objections on classification grounds to its publication as submitted to us.

If you have any questions, please contact me at (b)(6)

7/30/2007

Kennedy, Lionel

(b)(6)

From: Jack Goldsmith []
Sent: Monday, July 09, 2007 9:11 AM
To: Kennedy, Lionel
Subject: Book -- Jack Goldsmith
Attachments: 6-final.pdf

Hi Lionel. Jack Goldsmith here, from a different account. Attached is chapter 6. I took out that paragraph I sent you (on the published DOD memo), not because I thought it was a problem, but because it didn't fit (though please just go ahead and let DOD clear that paragraph as well). I do not believe there is anything in here that triggers a preclearance review duty, for I do not talk in this chapter about my time in government, but I send it along nonetheless as a matter of prudence. The one thing you might look at is the paragraph that describes the threat matrix. I got this info from Tenet's book and Mueller's testimony.

On the other five chapters, can you please tell me the status of the review, and in particular what is happening at DOD and WH? As you know we are coming up on two weeks beyond the 30 business day period prescribed in the regulations. Thanks for any updates as soon as possible.

Jack

7/9/2007

[REDACTED]

b6

From: Jack Goldsmith [REDACTED]
Sent: Tuesday, June 19, 2007 10:37 AM
To: [REDACTED]
Cc: Hardy, David M.
Subject: RE: DOJ Prepublication Submission

b6

b6

Thank you for this. I am happy to use aliases, as you suggest. Thanks, Jack Goldsmith

From: [REDACTED]
Sent: Tue 6/19/2007 9:29 AM
To: Jack Goldsmith
Cc: [REDACTED]; Hardy, David M.
Subject: DOJ Prepublication Submission

b6

b6

Good Morning Mr. Goldsmith. I am [REDACTED] of the FBI Prepublication Review Office. Our office was contacted by DOJ regarding your manuscript entitled, "The Terror Presidency". We completed our review and saw nothing of concern in the text. We have already advised DOJ of our determination. However, we do request that our agents named in the manuscript be removed or provided alias names. We understand that there is no requirement for you to do so, but in an effort to protect their third party privacy, we would appreciate the gesture.

b6

Please feel free to call or email me should you have any questions.

Thank you. -

[REDACTED]
Prepublication Review Office
Room 6941
[REDACTED]

b6

6/20/2007

TOTAL P.02



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

June 8, 2007

[Redacted]
Department of Justice
Room 6150
950 Pennsylvania Avenue, N.W.,
Washington, D.C. 20530

b6

Re: Jack Goldsmith manuscript entitled, "The Terror Presidency:
Law and Judgement Inside the Bush Administration"

Dear [Redacted]

b6

This letter is in response to the May 16, 2007 submission for review, pursuant to the Federal Bureau of Investigation's (FBI) Prepublication Review Policy (PRP) (Manual of Administrative Operations and Procedures (MAOP), Part I, 1-24), of a manuscript entitled, "The Terror Presidency: Law and Judgement Inside the Bush Administration".

The manuscript was reviewed pursuant to the terms of the PRP and it was concluded that nothing contained in the submission fell within a restricted area of disclosure. Therefore, there is no objection to your providing the manuscript, as presented, for publication. However, we do request that the author remove the names of our FBI agents that are mentioned in the manuscript.

Should you have any questions, please contact [Redacted] at [Redacted].
Thank you for your participation in the FBI's prepublication review process.

b6

Sincerely,

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division